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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

14/5/87

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 12th December, 1986/Agrahayana 21, 1908 (Saka)

The following Act of Parliament received the assent of the President on the 12th December, 1986, and is hereby published for general information:—

THE DELHI FIRE PREVENTION AND FIRE SAFETY ACT, 1986

No. 56 OF 1986

[*12th December, 1986.*]

An Act to make more effective provision for the fire prevention and fire safety measures in certain buildings and premises in the Union territory of Delhi.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Delhi Fire Prevention and Fire Safety Act, 1986.

(*2*) It extends to the whole of the Union territory of Delhi.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Administrator" means the Administrator of Delhi appointed by the President under article 239 of the Constitution;

(*b*) "Appellate Tribunal" means the Appellate Tribunal constituted under section 347A of the Delhi Municipal Corporation Act, 1957; 66 of 1957.

(c) "building" means a house, outhouse, stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material;

(*d*) "building bye-laws" means the bye-laws made under section 282 of the Cantonments Act, 1924 or the bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 or the bye-laws made under section 188, sub-section (*3*) of section 189 and sub-section (*1*) of section 190 of the Punjab Municipal Act, 1911, as in force in New Delhi or the regulations made under sub-section (*1*) of section 57 of the Delhi Development Act, 1957, relating to buildings; 2 of 1924. 66 of 1957. Punjab Act III of 1911. 61 of 1957.

(*e*) "Chief Fire Officer" means the Chief Fire Officer appointed by the Municipal Corporation of Delhi established under the Delhi Municipal Corporation Act, 1957; 66 of 1957.

(*f*) "Delhi" means the Union territory of Delhi;

(*g*) "fire prevention and fire safety measures" means such measures as are necessary in accordance with the building bye-laws for the prevention, control and fighting of fire and for ensuring the safety of life and property in case of fire;

(*h*) "local authority" means the Delhi Cantonment Board established under the Cantonments Act, 1924, the Delhi Development Authority established under the Delhi Development Act, 1957, the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957, the New Delhi Municipal Committee established under the Punjab Municipal Act, 1911, as in force in New Delhi or any other authority under any other law, which may be notified in this behalf by the Administrator with the prior approval of the Central Government; 2 of 1924. 61 of 1957. 66 of 1957 Punjab Act III of 1911.

(*i*) "nominated authority" means an officer not below the rank of a Station Officer nominated by the Chief Fire Officer, and includes an officer nominated by a local authority or a railway administration as a nominated authority for the purposes of this Act;

(*j*) "occupier" includes—

(*i*) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(*ii*) an owner in occupation of, or otherwise using his land or building;

(*iii*) a rent-free tenant of any land or building;

(*iv*) a licensee in occupation of any land or building; and

(*v*) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(*k*) "owner" includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building whether on his own account or on account of himself and others or as an agent, trustee, guardian or receiver or any other person or who should so receive the rent or be entitled to receive it if the land or building or part thereof were let to a tenant and also includes—

(*i*) the custodian of evacuee property in respect of evacuee property vested in him under the Administration of Evacuee Property Act, 1950;

31 of 1950.

(*ii*) the Director of Estates of the Government of India, the Secretary of the Delhi Development Authority, constituted under the Delhi Development Act, 1957, the general manager of a railway and the head of a Government department, in respect of properties under their respective control;

61 of 1957.

(*l*) "premises" means any land or any building or part of a building appurtenant thereto which is used for storing explosives, explosive substances and dangerously inflammable substances.

Explanation.—In this clause, "explosive", "explosive substances" and "dangerously inflammable substances" shall have the meanings, respectively, assigned to them in the Explosives Act, 1884, the Explosive Substances Act, 1908 and the Inflammable Substances Act, 1952.

4 of 1884.
6 of 1908.
20 of 1952

Inspection of buildings, premises, etc.

3. (*1*) The nominated authority may, after giving three hours' notice to the occupier, or, if there be no occupier, to the owner of any building having such height as may be specified by rules framed under this Act, or premises, enter and inspect the said building or premises at any time between sunrise and sunset where such inspection appears necessary for ascertaining the adequacy or contravention of fire prevention and fire safety measures:

Provided that the nominated authority may enter into and inspect any building or premises at any time if it appears to it to be expedient and necessary to do so in order to ensure safety of life and property.

(*2*) The nominated authority shall be provided with all possible assistance by the owner or occupier, as the case may be, of the building or premises for carrying out the inspection under sub-section (*1*).

(*3*) When any building or premises used as a human dwelling is entered under sub-section (*1*), due regard shall be paid to the social and religious sentiments of the occupiers; and, before any apartment in the actual occupancy of any women, who, according to the custom does not appear in public, is entered under sub-section (*1*), notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Measures for fire prevention and fire safety.

4. (*1*) The nominated authority shall, after the completion of the inspection of the building or premises under section 3 record its views on the deviations from or the contraventions of, the building bye-laws with regard to the fire prevention and fire safety measures and the inadequacy of such measures provided therein with reference to the height of the building or the nature of activities carried on in such building or premises and issue a notice to the owner or occupier of such building or premises directing him to undertake such measures as may be specified in the notice.

(*2*) The nominated authority shall also give a report of any inspection made by it under section 3 to the Chief Fire Officer.

Power to seal buildings or premises.

5. (*1*) Where, on receipt of a report from the nominated authority under sub-section (*2*) of section 4, it appears to the Chief Fire Officer that the condition of any building or premises is dangerous to life or property, he shall, without prejudice to any action taken under section 7. by order, require the persons in possession or occupation of such building or premises to remove themselves from such building or premises forthwith.

(*2*) If an order made by the Chief Fire Officer under sub-section (*1*) is not complied with, the Chief Fire Officer may direct any police officer having jurisdiction in the area to remove such persons from the building or premises and such officer shall comply with such directions.

(*3*) After the removal of the persons under sub-section (*1*) or sub-section (*2*), as the case may be, the Chief Fire Officer shall seal the building or premises.

(*4*) No person shall remove such seal except under an order made by the Chief Fire Officer.

Provision regarding certain buildings and premises.

6. (*1*) Notwithstanding anything contained in any other law for the time being in force, the Chief Fire Officer may enter and inspect any building, the construction of which was completed on or before the 6th day of June, 1983 (being the date on which the current building bye-laws had come into force) or any building which was under construction on such date if such inspection appears necessary for ascertaining the adequacy of fire prevention and fire safety measures in such building.

(*2*) The entry and inspection under sub-section (*1*) shall be done by the Chief Fire Officer in the manner laid down in section 3.

(*3*) The Chief Fire Officer shall, after inspection of the building or premises under sub-section (*1*), and after taking into consideration—

(*i*) the provisions of the building bye-laws in accordance with which the plan of the said building or premises was sanctioned;

(*ii*) the conditions imposed, if any, by the local authority at the time of the sanction of the plan of the said building or premises; and

(*iii*) the minimum standards for fire prevention and fire safety measures specified for such building or premises as may be specified by rules framed under this Act,

issue a notice to the owner or occupier of such building or premises stating therein the inadequacy in regard to the fire prevention and fire

safety measures in it and direct the owner or occupier to undertake measures for rectifying the said inadequacy within such period as he may consider just and reasonable.

Default powers of the Chief Fire Officer.

7. (*1*) The Chief Fire Officer shall, in the event of non-compliance of any notice issued under section 4 or section 6, take such steps as may be necessary for the complaince of such notice.

(*2*) All expenses incurred by the Chief Fire Officer in relation to any steps taken by him under sub-section (*1*) shall be payable by the owner or occupier on demand and shall, if not paid within ten days after such demand, be recoverable as arrears of land revenue.

Appeals.

8. (*1*) Any person aggrieved by any notice or order of the nominated authority or the Chief Fire Officer may prefer an appeal against such notice or order to the Appellate Tribunal within thirty days from the date of the notice or order appealed against:

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

(*2*) An appeal shall lie to the Administrator against the order of the Appellate Tribunal confirming, modifying or annulling a notice or an order issued or made under this Act within thirty days from the date of the order of the Appellate Tribunal:

Provided that the Administrator may entertain an appeal after the expiry of the said period of thirty days if he is satisfied that there was sufficient cause for not filing it within that period.

(*3*) An appeal to the Appellate Tribunal or the Administrator shall be made in such form and shall be accompanied by a copy of the notice or order appealed against and by such fees as may be specified by rules framed under this Act.

66 of 1957.

(*4*) The provisions of section 347C of the Delhi Municipal Corporation Act, 1957, and the rules made thereunder, shall, so far as may be, apply to the disposal of an appeal under this section as they apply to the disposal of an appeal under that Act.

Bar of jurisdiction of courts.

9. No court shall entertain any suit, application or other proceeding in respect of any notice or order under this Act and no such notice or order shall be called in question otherwise than by preferring an appeal under this Act.

Penalties.

10. Whoever contravenes any provision of this Act shall, without prejudice to any other action taken against him under section 7, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to fifty thousand rupees, or with both and where the offence is a continuing one with a further fine which may extend to three thousand rupees for every day after the first during which such offence continues.

Offences by companies.

11. (*1*) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means a body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

Sanction of prosecution.

12. No court shall proceed to the trial of an offence under this Act, except on the complaint of, or upon information received from, the nominated authorty.

Jurisdiction.

13. No court inferior to that of a Metropolitan Magistrate shall try an offence punishable under this Act.

Protection of action taken in good faith.

14. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rules made thereunder.

Officer to be public servant.

15. Every officer acting under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Power to make rules.

16. (*1*) The Administrator may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the height of the building under sub-section (*1*) of section 3;

(*b*) the minimum standards for fire prevention and fire safety measures for the purposes of clause (*iii*) of sub-section (*3*) of section 6;

(*c*) the form in which an appeal shall be made and the fees that shall accompany such appeal under sub-section (*3*) of section 8;

(*d*) any other matter which is required to be, or may be, provided by rules.

(3) The Central Government shall cause every rule made under this Act to be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

S. RAMAIAH,
Secy. to the Govt. of India.

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